

HOUSE BILL NO. 418

INTRODUCED BY C. YOUNKIN

A BILL FOR AN ACT ENTITLED: "AN ACT DESCRIBING THE DUTY TO BUILD AND MAINTAIN FENCES WITH REGARD TO A HERD DISTRICT AND A HORSE HERD DISTRICT; REQUIRING THAT WHEN OWNERS OR POSSESSORS OF LAND THAT IS CONTIGUOUS TO A HERD DISTRICT PETITION TO HAVE THEIR PROPERTY ANNEXED TO THAT DISTRICT, THE OWNERS OR POSSESSORS OF AT LEAST 55 PERCENT OF THE AFFECTED OWNERS OR POSSESSORS OF LAND SIGN THE PETITION; AND AMENDING SECTION 81-4-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Duty to build and maintain fences.** Upon creation of a herd district pursuant to 81-4-301, 81-4-304, or 81-4-322 ~~or upon,~~ FENCES MUST BE CONSTRUCTED BY THE ENTITIES CREATING THE HERD DISTRICT. UPON approving an annexation to an existing herd district pursuant to 81-4-310, fences must be constructed ~~or~~ BY THE ENTITIES CREATING THE HERD DISTRICT OR BEING ANNEXED INTO THE HERD DISTRICT AND. ALL FENCES MUST BE maintained pursuant to 70-16-205. All fences must conform with the requirements of 81-4-101. An action to enforce the provisions of this section may be brought by the aggrieved party in the district court in the county where the land is situated.

Section 2. Section 81-4-310, MCA, is amended to read:

"81-4-310. Annexation into existing herd district. (1) Owners or possessors of land that is contiguous to a herd district may petition to have their property annexed to that district. The petition must be properly signed by ~~all~~ THE OWNERS OR POSSESSORS OF at least 55% of the affected ~~owners or possessors~~ ~~of~~ land and must include the post-office address of all petition signers. The petition must state the outside boundaries and a description of the property to be annexed to the existing district. When the petition is filed with the clerk and recorder in the county in which the existing district lies, the county commissioners of that county shall set a date for hearing protests and verifying petition signatures. The county commissioners shall provide notice of the hearing by publishing the hearing date and a list of the properties proposed to be annexed, at least three times in a newspaper of general circulation in the county, not less

1 than 20 days prior to the hearing date.

2 (2) At the hearing held pursuant to subsection (1), the county commissioners shall examine the
3 petition and have a map drawn up in order to determine the shape and regularity of the boundaries of the
4 property proposed for annexation. If the county commissioners determine that the boundaries are
5 reasonably regular and symmetrical in shape in relation to the geographical features of the properties
6 proposed for annexation, the county commissioners may declare that those properties are annexed into
7 the existing herd district.

8 (3) If the county commissioners declare the properties annexed to the existing herd district, they
9 shall give notice of the annexation by four weekly publications in a newspaper of general circulation in the
10 county. Annexation does not become effective until 30 days after the declaration of annexation is made,
11 as provided in subsection (2)."

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13 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
14 integral part of Title 81, chapter 4, and the provisions of Title 81, chapter 4, apply to [section 1].

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16 NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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18 NEW SECTION. SECTION 5. APPLICABILITY. [THIS ACT] APPLIES TO HERD DISTRICTS CREATED OR ANNEXATION
19 ACTIONS THAT OCCUR AFTER [THE EFFECTIVE DATE OF THIS ACT].

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